

APPEAL NO. 020651
FILED APRIL 26, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 10, 2001, and continued to and concluded on February 7, 2002. With respect to the issues before her, the hearing officer determined that respondent 1 (claimant) sustained a compensable repetitive trauma injury, bilateral carpal tunnel syndrome (CTS); that the date of injury is _____; that the claimant timely reported her injury to her employer and, as such, the appellant (self-insured), is not relieved from liability pursuant to Section 409.002; that respondent 2, (carrier), bears no liability for this claim because it did not provide workers' compensation coverage for the employer on the date of injury; and that the claimant had disability, as a result of her compensable injury, from February 13 to December 9, 2001. In its appeal, the self-insured, contends that the hearing officer's injury, date-of-injury, timely reporting, and disability determinations are against the great weight of the evidence. In her response to the self-insured's appeal, the claimant urges affirmance. The carrier did not respond to the self-insured's appeal.

DECISION

Affirmed.

The issues of whether the claimant sustained a compensable occupational disease injury, the date of injury, whether the claimant timely reported her injury to her employer, and whether the claimant had disability were questions of fact for the hearing officer. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986).

The self-insured contends that the hearing officer's injury, date-of-injury, notice, and disability determinations are against the great weight of the evidence. In so arguing, the self-insured emphasizes the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer as the fact finder. The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the claimant, and she was acting within her province as the fact finder in so doing. Our review of the record does not demonstrate that the challenged determinations are so contrary to the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse the challenged determinations on appeal. Cain; Pool.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**DR. SR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge